

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

VIMALA LLC, dba ALECIA)
and)
ALECIA VENKATARAMAN,)
Plaintiffs,) Case No. 3:19-cv-00513
v.)
Judge Eli J. Richardson
WELLS FARGO BANK, N.A. and WELLS) Magistrate Judge Jeffery S. Frensley
FARGO MERCHANT SERVICES, LLC,) JURY DEMAND
Defendants.)

DEFENDANTS' MOTION FOR SANCTIONS

Defendants Wells Fargo Bank, N.A. and Wells Fargo Merchant Services, LLC, pursuant to Federal Rules of Civil Procedure 11 and 37 and the Court's inherent powers, hereby submit this Motion for Sanctions against Plaintiffs Vimala LLC, dba Alecia and Alecia Venkataraman and their counsel Barham & Maucere LLC, seeking dismissal with prejudice of this lawsuit and an award of Defendants' attorney's fees incurred in bringing this motion and defending against Plaintiffs' claims. Alternatively, Wells Fargo respectfully requests that the Court issue a show cause order requiring Plaintiffs and their counsel to show cause why sanctions should not be imposed. The grounds for this Motion are fully set forth in Defendants' memorandum of law in support of its Motion for Sanctions filed contemporaneously herewith.

Dated: July 20, 2021

/s/ Nellie E. Hestin

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**CERTIFICATION OF COMPLIANCE WITH
FEDERAL RULE OF CIVIL PROCEDURE 11(c)(2) AND LOCAL RULE 7.01(a)(1)**

Pursuant to Federal Rule of Civil Procedure 11(c)(2), Defendants served their Motion for Sanctions, memorandum of law in support thereof, and accompanying exhibits on Plaintiffs and their counsel, requesting that Plaintiffs and their counsel withdraw the claims in this lawsuit as the infirmities in Plaintiffs' pleadings and evidence cannot be corrected (the "Rule 11 Letter"). Plaintiffs and their counsel would not withdraw Plaintiffs' claims as requested. Plaintiffs proposed, and sought leave from the Court, to dismiss a subset of their claims without prejudice. Because such dismissal is neither with prejudice nor resolves all of the claims in the action, it does not resolve the issues raised in Wells Fargo's Motion. Accordingly, Wells Fargo has proceeded to file its Motion for Sanctions and the memorandum of law now that more 21 days have passed since service of the Rule 11 Letter.

Pursuant to Local Rule 7.01(a)(1), Wells Fargo attempted to meet and confer with Plaintiffs and their counsel regarding the issues raised in the Motion for Sanctions by sending the above-mentioned Rule 11 Letter. Plaintiffs and their counsel would not withdraw Plaintiffs' claims, so Wells Fargo proceeded with filing the Motion.

/s/ Nellie E. Hestin

Nellie E. Hestin

*Counsel for Defendants Wells Fargo Bank, N.A. and
Wells Fargo Merchant Services, LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 20, 2021, the foregoing was served via email upon the following:

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Dated: July 20, 2021

/s/ Nellie E. Hestin